

JOHN M. HILL.

APRIL 7, 1904.—Ordered to be printed.

Mr. GAMBLE, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 4277.]

The Committee on Public Lands, to whom was referred the bill (S. 4277) for the relief of John M. Hill, having had the same under advisement, make the following report and recommend that the same do pass with the following amendment:

Strike out the following words where they appear in lines 7 and 8 in said bill: "One thousand two hundred and forty-eight dollars and fifty cents," and insert in lieu thereof the following: "Seven hundred and fifty dollars."

John M. Hill was register of the United States land office at Walla Walla, in the State of Washington, from the 1st day of January, 1898, until April 1, 1902. During his incumbency of the office the volume of business very much increased, and it was represented by both the register and receiver to the Commissioner of the General Land Office that they were unable, without the assistance of clerk hire, to properly perform the duties of the office and keep its records in such shape for the accommodation of the public. At different times applications were made to the Commissioner of the General Land Office for clerical assistance. It is shown by the records submitted before the committee that Mr. Hill, during his incumbency of the office, paid \$1,248.50 for clerical work rendered in the said office.

On September 29, 1899, the office was examined by an inspector of the General Land Office, and on that date he recommended the allowance of a clerk for the register in said office. No one at that time was supplied. On January 19, 1900, the Commissioner of the General Land Office advised the register of the Walla Walla office that there were no funds available for the employment of an additional clerk in local land offices, and that such funds would not be available until July 1, 1900. With a view of furnishing the necessary clerical assistance for this office as soon as funds therefor would be available, the Commissioner of the General Land Office requested the Civil Service Commission for the certification of eligibles from which a clerk for said

office might be selected. It was ascertained, however, that there were no eligibles within the district from which an appointment could be made to such office.

The Civil Service Commission authorized the employment of a temporary clerk for a period of three months, or until an eligible could be certified from the civil-service list. Mr. Robert Painter was so appointed as a temporary clerk in said office, and entered upon his duties on August 2, 1900. This appointment was continued by the Civil Service Commission from time to time until July 21, 1901, when this clerk was succeeded by an appointee certified by the Civil Service Commission. It would therefore appear only equitable and just, in the view of the committee, that Mr. Hill should be allowed the amount of compensation paid Mr. Robert Painter from the time that it was recognized by an officer of the Department that such clerical service was needed, and that he should be reimbursed for the amount he so expended from the 29th of September, 1899, to the 2d day of August, 1900, being a period of ten months, at the rate of \$75 per month, in all, \$750.

The report of the committee we feel is justified by the recommendation of the Commissioner of the General Land Office in his report upon this bill, in which he states:

It would appear, therefore, that this Office was powerless to afford any relief to Mr. Hill in the premises and that relief can be extended only through a special act of Congress. A claim for reimbursement of salary paid to a clerk from the date that such service was recognized by this Office, as being necessary to the conduct of business in the Walla Walla office, would seem to be entitled to equitable consideration.

The communication from the Secretary of the Interior and the Commissioner of the General Land Office, as well as the proof submitted, are herewith submitted and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, February 27, 1904.

SIR: I have the honor to acknowledge the receipt of your letter of the 15th instant, submitting a copy of S. 4277, entitled "A bill for the relief of John M. Hill," with request for copies of papers relating to the claim and for an opinion from this Department as to the merits of the same.

In response thereto I inclose copy of a report dated the 20th instant from the Commissioner of the General Land Office setting forth the facts in the case as shown by the records of his office.

I concur in his report.

The Commissioner states that there are no papers on file in the General Land Office relating to the claim of Mr. Hill.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

The CHAIRMAN COMMITTEE ON CLAIMS, *Senate.*

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 20, 1904.

SIR: I am in receipt, by reference of the 18th instant by Acting Secretary Thomas Ryan for report in duplicate and return of papers, of the bill S. 4277, entitled "A bill for the relief of John M. Hill," introduced in the Senate February 10, 1904, by Mr. Ankeny and referred to the Committee on Claims.

The bill is submitted by the chairman of the Senate Committee on Claims with request for all papers, or copy of the same, on file in the Department relating to the claim, together with an expression of your opinion as to its merits.

The bill provides as follows:

"That the Secretary of the Treasury be, and is hereby, directed to pay to John M. Hill, late register of the United States land office at Walla Walla, Washington, out of any money in the Treasury not otherwise appropriated, the sum of one thousand two hundred and forty-eight dollars and fifty cents, the amount paid by him out of his own funds for clerk hire during his term of office as such register, prior to the appointment of a clerk in said office from an eligible list furnished by the Civil Service Commission of the United States."

In response to the reference I have the honor to report as follows:

It appears from the records of this office that John M. Hill entered upon duty as register at Walla Walla, Wash., December 31, 1897, and served continuously as such until March 31, 1902. Previous to the date upon which Register Hill entered upon the duties of said office the register and receiver had been doing all the work of the office, and the business, as shown by the quarterly returns from such office immediately thereafter, did not indicate a necessity for clerical assistance to dispose of such business.

There was no material increase in the business of the Walla Walla office until during the quarter ending December 31, 1899.

Under date of June 5, 1898, the register and receiver at Walla Walla represented to this Office that they were able to keep up the work in fairly good condition only by working over hours and requested clerical assistance, but the business did not seem to necessarily require such assistance and it was not authorized.

There appears to have been no further request for clerical assistance from that office until October 3, 1899, when the register and receiver represented that, owing to the increased volume of work, they were employing and paying from their personal funds two clerks for a part of the time in order to keep up the work of the office. Inspector A. H. Burke, of this Office, having examined the office at Walla Walla, in a report dated September 29, 1899, recommended the allowance of a clerk for the register and suggested the name of Mr. Robert Painter, whom, he said, the register was then employing and paying from his personal funds, as a proper person for such employment, at a salary of \$900 per annum.

Again, on January 10, 1900, the register and receiver at Walla Walla reported that the office was greatly in need of clerical assistance to the extent of at least one clerk, and stated that since September 1, 1899, Register Hill had paid from his individual funds for clerk hire in said office the sum of \$267.

Under date of October 14, 1899, referring to Inspector Burke's recommendation, this Office advised the register and receiver that a clerk for their office could be employed only under the civil-service rules, and as Mr. Painter was not in the classified service his employment could not be authorized. January 19, 1900, they were again advised, in response to their letter of the 10th of that month, that no funds were then available for the employment of a regular clerk in their office, but authorized the employment of a contest clerk to take charge of the contest business in the office, and to be paid from fees earned in reducing testimony to writing in such cases.

Funds for the employment of a regular clerk in that office were not available until July 1, 1900.

With a view to furnishing the necessary clerical assistance for the Walla Walla office as soon as funds for the purpose should become available, request was made to the Civil Service Commission for a certification of eligibles from which a clerk for said office might be selected; whereupon it was ascertained that there were no eligibles within that district from which an appointment could be made for such office. The Civil Service Commission therefore authorized the employment of a temporary clerk for a period of three months, or until an eligible could be certified from the civil-service list. Mr. Robert Painter was therefore appointed as such temporary clerk and entered upon duty August 7, 1900. His appointment as such was continued by the Civil Service Commission, from time to time, until July 21, 1901, when he was succeeded by an appointee certified by the Civil Service Commission from an eligible list, and a regular clerk was thereafter authorized and employed during the remainder of Register Hill's term of service.

It appears that such clerical assistance as this office deemed necessary to the transaction of the public business at the Walla Walla land office was authorized and employed at Government expense except for a portion of the fiscal year ending June 30, 1900, during which time there were no funds available for such purpose, and during the month of July, and until August 7, of the fiscal year ending June 30, 1901, during which time the employment of a clerk for said office was delayed for want of an eligible and for the authorization of a temporary clerk by the Civil Service Commission.

The employment of Mr. Painter as a clerk in said office, except from August 7, 1900, to July 21, 1901, was unauthorized, and as he was not eligible for such employment under the civil-service law he could not be paid for such service from any appropriation controlled by this Office.

It would appear, therefore, that this Office was powerless to afford any relief to Mr. Hill in the premises and that relief can be extended only through a special act of Congress. A claim for reimbursement of salary, paid to a clerk from the date that such service was recognized by this Office as being necessary to the conduct of business in the Walla Walla office, would seem to be entitled to equitable consideration.

There are no papers on file in this Office relating to Mr. Hill's claim. In their letter of January 10, 1900, as already shown, the register and receiver mentioned the sum of \$267 as having been paid by Register Hill for clerical assistance since the 1st of September preceding, but it was not shown for how much of said time, or at what rate of compensation, such clerk was employed.

Under date of February 27, 1903, the Hon. W. L. Jones, Representative from Washington, submitted to this office a letter from ex-Register Hill, together with a statement relative to his claim, but such papers were returned to Mr. Jones, as per his request, with Office letter of March 3, 1903.

This Office is, therefore, not in possession of any papers relating to the claim and is therefore unable to furnish such for use of the committee.

The papers referred by your office are herewith returned.

Very respectfully,

W. A. RICHARDS, *Commissioner*.

THE SECRETARY OF THE INTERIOR.

Before the Interior Department, at Washington, D. C.

Comes now John M. Hill, of Walla Walla, Wash., who served under appointment therefor as register of the United States land office at Walla Walla, Wash., for a period beginning January 1, 1898, and ending April 1, 1902, and makes application to the Government of the United States, through the honorable Commissioner of the General Land Office, at Washington, D. C., for relief in the sum of \$1,248.50, said sum of money having been paid by this applicant to the following-named persons for services rendered as clerks in the United States land office at Walla Walla, Wash., during the period he was register therein as aforesaid, to wit: To Robert Painter the sum of \$898.50, as evidenced by his sworn statement hereto attached; to Gillian Bartmess the sum of \$350, as evidenced by her affidavit hereto attached.

As grounds for his application for the payment to him of the said amount of his claim against the Government of the United States, the said John M. Hill makes the following affidavit:

STATE OF WASHINGTON, *County of Wallawalla*, ss:

John M. Hill, being by me first duly sworn, deposes and says that on January 1, 1898, under appointment made by the President of the United States, he assumed his official duties as register of the United States land office at Walla Walla, Wash., and that he continued to serve as such officer for a period of four and one-quarter years, or until April 1, 1902; that at the date he entered upon his duties as such officer said land office was not provided with a clerk or clerks by the Government, the register and receiver therein being compelled to perform the work of the office, and when unable to do so to employ clerical help at their own expense; that not until August 7, 1900, was a clerk assigned to said office, when Robert Painter was temporarily appointed by the Department and continued to serve in said office as clerk therein until July 21, 1901; that on the last-named date said Painter retired from said office and Eugene Harris, who had previously been assigned to said land office as stenographer and typewriter therein, assumed his duties on July 22, 1901, and continued such service to April 1, 1902, when this affiant retired from said office. Affiant further says that from the date he assumed his duties as register of said land office, to wit, January 1, 1898, the business of the office and work therein began a rapid increase, in consequence of which he, in conjunction with the receiver of said office, made application to the General Land Office for clerical help, but that such request or application was not given favorable consideration, the honorable Commissioner assigning as one reason that the business of the office did not seem to justify the assignment of a clerk therefor; that from the language of the honorable Commissioner's letters, replying to said applications, his estimate of the business of the said land office seemed to be based upon the number of homestead entries made therein

per each month; that, as shown by the records of said land office, other branches of the business therein overshadowed the homestead entries very greatly, most notably the contest work; that, assuming the homestead entries made at said land office to be a fair basis upon which to estimate the business of the office and consequent work therein, affiant submits the following statement, showing the number of homestead entries made each year from 1895 to 1903, inclusive (omitting the month of December, 1903):

Year.	Number of entries.	Year.	Number of entries.
1895	133	1896	184
1897	135	1898	300
1899	584	1900	1,115
1901	1,601	1902	1,337
1903 (to Dec. 1 of this year)	945		

Affiant further says that, excepting the period from November 8, 1901, to April 1, 1902, during which time he employed Robert Painter and paid him from his own funds the sum of \$361.50, no other clerk was furnished said land office by the Department, while he was employing a clerk at his own expense, and that during all of the periods when he employed and paid from his own funds the said Robert Painter and Gillian Bartmess for their services as clerk in said land office, such services were absolutely necessary in order to keep up the work of the office, although affiant worked in said office overtime almost every day, including many Sundays; affiant further says that he paid to one W. G. VanValkenburg, now a United States commissioner at Connell, Wash., sums of money amounting in all to not less than \$25, for services rendered in said land office, which sum is not included in his claim herein stated; and that during his service as register of said land office, he, in conjunction with the receiver therein, paid from their own funds for a janitor for said land office, and for the fuel and lights consumed in said land office, and for which no claim has been made, although the said land office was a maximum office for almost the entire period of their service; that the entire sum of \$1,248.50, covering his claim herein, was paid by him to said Robert Painter and Gillian Bartmess, and that no part of said sum was paid to said parties by the receiver of said land office.

Affiant further says that he relies upon statements now on file in the Department of the Interior, made by the attorneys who practiced before said land office during his period of service therein, and by the general public of Walla Walla, Wash., and vicinity, and upon two reports submitted by Inspector Burke during his said service, as being sufficient to satisfy the Department of the Interior, and if necessary, the Congress of the United States, of his competency, fitness, and ability to fill the position of register of said land office during said period; affiant further says that the sum of \$350, mentioned in the sworn statement of Gillian Bartmess, herewith attached, is a less sum than was actually paid her by him, but being unable at the date her said affidavit was executed to furnish an itemized statement, the sum is placed at \$350, or below the actual amount paid her, in order that he and she may be within the limit of the actual amount.

Affiant's claim herein, amounting to the full sum of \$1,248.50, is due him from the Government of the United States, said sum having been paid by him to the parties herein mentioned for services rendered for and on behalf of said Government of the United States during the period aforesaid, and while he was acting as the duly authorized agent of said Government and as register of the United States land office at Walla Walla, Wash.

JOHN M. HILL,
Former Register United States Land Office, Walla Walla, Wash.

Subscribed and sworn to before me this 26th day of December, 1903.

[SEAL.]

CAVY M. RADER,
Notary Public for Washington, residing at Walla Walla, Wash.

WALLA WALLA, WASH., April 19, 1902.

The following is a statement of the time John M. Hill, while register of the United States land office at Walla Walla, Wash., employed Robert Painter to work for him in

said office, and for which he paid him the sum of \$898.50 for his services therein rendered:

Time employed.	Amount.	Time employed.	Amount.
Mar. 7 to 11, 1899.....	\$15.00	Feb. 21 to Apr. 4, 1900.....	\$108.00
June 5, 1899.....	3.00	Apr. 9 to 19, 1900.....	25.50
July 20 to Aug. 3, 1899.....	39.00	Apr. 30 to May 14, 1900.....	39.00
Aug. 19 to Oct. 2, 1899.....	106.50	May 23 and 31, 1900.....	6.00
Oct. 5 to 14, 1899.....	27.00	June 1 to 4, 1900.....	9.00
Oct. 30 to Nov. 8, 1899.....	27.00	June 30 to July 11, 1900.....	27.00
Nov. 16 to 18, 1899.....	9.00	Nov. 8, 1901, to Apr. 1, 1902.....	361.50
Nov. 30 to Dec. 13, 1899.....	33.00		
Dec. 30, 1899, to Jan. 11, 1900.....	30.00	Total.....	898.50
Jan. 29 to Feb. 10, 1900.....	33.00		

Robert Painter, being duly sworn, deposes and says that the foregoing statement is true and correct.

ROBERT PAINTER.

Subscribed and sworn to before me this 16th day of December, 1903.

[SEAL.]

W. L. CADMAN,

Notary Public for the State of Washington, residing at Walla Walla, Wash.

I hereby certify that the above statement of moneys paid by me to Robert Painter for his services in United States land office at Walla Walla, Wash., duly certified by said Painter, was transmitted by me to Hon. W. L. Jones, member of Congress, on February 18, 1903.

JOHN M. HILL.

STATE OF WASHINGTON, *County of Wallawalla, ss:*

Gillian Bartmess, of lawful age, being by me first duly sworn, deposes and says: That on January 1, 1898, the date when John M. Hill, of Wallawalla, Wash., assumed his official duties as register of the United States land office at said place, she was engaged by said John M. Hill to serve as clerk in said land office during said month for a salary of \$60; that she performed said services and received therefor the said sum of \$60; that for a long period prior thereto she had been employed in the same capacity by Mr. Hill's predecessor; that at various times subsequent to the month of January, 1898, she was employed to, and did, serve as clerk in said land office under the direction of the register, Mr. John M. Hill, and for such subsequent services received the sum of \$2 per day; that save and except for the said month of January, 1898, she has no data from which she is able to fix the dates upon which she rendered said service in said land office for said register thereof, but that the sum total paid her for such service, including the said sum of \$60 received for the month of January, 1898, exceeds the sum of \$350.

Affiant further says that at all the times she was so employed in said land office by said register, John M. Hill, her services as clerk of said land office were required on account of the great volume of work in said office, which work continued to increase from the time she commenced work, on January 1, 1898, to the time she retired from said office as such clerk; that the said sum of \$350 paid her by said John M. Hill is a conservative estimate of the sum total, and that she believes an itemized statement of the various sums paid her by said John M. Hill for said services would disclose a sum greater than the estimate herein made.

GILLIAN BARTMESS.

Subscribed and sworn to before me this 24th day of November, 1903.

[SEAL.]

FRANK BUCHET,

Notary Public for Washington, residing at Walla Walla.

WALLA WALLA, WASH., December 26, 1903.

To whom this statement may concern:

We, the undersigned, attorneys of Walla Walla, Wash., having been admitted to practice before the United States land office at Walla Walla, Wash., and having,

during the period beginning January 1, 1898, and continuing to April 1, 1902, the period during which John M. Hill, of Walla Walla, Wash., was register of said land office, had more or less practice before said office, and by reason thereof having gained a general knowledge of the amount of business transacted therein, hereby respectfully submit:

That we have knowledge of the said John M. Hill having employed, during his term of service as such officer, Mrs. Gillian Bartmess and Robert Painter, and from our knowledge of the amount of work necessary to be performed in said land office during said period, we believe the employment of said clerical assistance to have been absolutely necessary and for the best interests of the Government and the Department under which the said John M. Hill was serving as such officer.

We would also recommend the payment by the Government of the United States, to the said John M. Hill, of the full amount of any just claim he may present covering the moneys paid by him out of his own funds for such clerical services in said land office during said period.

Respectfully submitted.

CARY M. RADER.
C. C. GOSE.
MARVIN EVANS.
A. J. GILLIS.
T. P. GOSE.
J. J. HUFFMAN.
OSCAR CAIN.
P. H. CAVANAUGH.
TIMOTHY A. PAUL.
JOHN H. PEDIGO.
H. S. BLANDFORD.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 3, 1903.

SIR: I am in receipt of your letter of the 27th ultimo, with which you inclose a letter and statement from ex-Register John M. Hill, of the Wallawalla, Wash., land office, showing amounts paid to Mr. Robert Painter for clerical services in said office, and also giving the dates of such service. Mr. Hill asks reimbursement by the Government for the amount so expended by him.

Your letter states that you would be glad to be advised of the attitude of the Department with reference to the same, and as to what it can do or can not do in regard to the proposition.

In response to the request I have the honor to advise you that at the time Register Hill entered upon the duties of his office the register and receiver at Wallawalla had previously been doing all the work of the office, and the business as shown by the quarterly returns from such office immediately thereafter did not indicate a necessity for clerical assistance to dispose of such business.

There was no material increase in the business of the Wallawalla office until during the quarter ending December 31, 1899.

Under date of June 5, 1898, the register and receiver at Wallawalla represented to this Office that they were able to keep up the work in fairly good condition only by working overhours, and requested clerical assistance, but the business did not necessarily seem to require such assistance, and it was not authorized.

There appears to have been no further request for clerical assistance in said office until October 3, 1899, when the register and receiver represented that owing to the increased volume of work they were employing and paying from their personal funds two clerks to keep up the work.

Inspector A. H. Burke, of this office, having examined the office at Walla Walla, in a report dated September 29, 1899, recommended the allowance of a clerk for the register in said office. Again, on January 10, 1900, the register and receiver at Walla Walla, reported that the office was badly in need of clerical assistance to the extent of at least one clerk.

On January 19, 1900, they were advised that no funds were then available for the employment of additional clerks in local land offices.

Such funds were not available until July 1, 1900.

With a view of furnishing the necessary clerical assistance to the Walla Walla land office as soon as funds therefor were available, request was made to the Civil Service Commission for a certification of eligibles from which a clerk for said office might be selected; whereupon it was ascertained that there were no eligibles within the district from which an appointment could be made to such office. The Civil Service

Commission therefore authorized the employment of a temporary clerk for a period of three months, or until an eligible could be certified from the civil-service list. Mr. Robert Painter was therefore appointed as such a temporary clerk, and entered upon duty August 2, 1900. His appointment as such was continued by the Civil Service Commission from time to time until July 21, 1901, when he was succeeded by an appointee certified by the Civil Service Commission from an eligible list, and a regular clerk was thereafter authorized and employed during the remainder of Register Hill's term of office.

It appears, therefore, that such clerical assistance as this Office deemed necessary to the transaction of the public business at the Walla Walla land office was authorized and employed at Government expense, except for a portion of the fiscal year ending June 30, 1900, during which time there were no funds available for such purpose, and during the month of July of the fiscal year 1901, when the employment of a clerk for said office was delayed for want of an eligible, and for the authorization of a temporary clerk by the Civil Service Commission.

The employment of Mr. Painter as a clerk in said office, except from August 2, 1900, to July 21, 1901, was unauthorized, and as he was not eligible to such employment under the civil-service law he could not be paid for such service from any appropriation controlled by this Office.

It will appear, therefore, that this Office is powerless to afford any relief to Mr. Hill in the premises, and that relief can be extended only through a special act of Congress. His claim seems to be entitled to equitable consideration.

The papers inclosed with your letter are herewith returned.

Very respectfully,

W. A. RICHARDS.

Hon. W. L. JONES, *House of Representatives.*

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